

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
ALANNA RUTHERFORD
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF FRED NORTON IN
SUPPORT OF ORACLE AMERICA,
INC.'S REPLY TO GOOGLE INC.'S
OPPOSITION TO MOTION TO
EXCLUDE PORTIONS OF THE EXPERT
REPORTS OF GREGORY K. LEONARD
AND ALAN J. COX**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, FRED NORTON, declare as follows:

2 1. I am a partner with the law firm of Boies, Schiller & Flexner LLP, attorneys for plaintiff
3 Oracle America, Inc. in the above captioned matter, and admitted to practice before this Court.

4 2. I make this declaration based on my own personal knowledge. If called as a witness, I
5 could and would testify competently as to the matters set forth herein.

6 3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the October 28,
7 2011 deposition transcript of Gregory K. Leonard. **[SUBMITTED UNDER SEAL]**

8 4. Attached hereto as Exhibit B is a true and correct copy of excerpts from the October 26,
9 2011 deposition transcript of Alan J. Cox. **[SUBMITTED UNDER SEAL]**

10 5. Attached hereto as Exhibit C is a true and correct copy of a document produced by Google
11 in this matter bearing Bates label GOOGLE-01-00025575-587, which purports to be an email from
12 andyt@google.com to tangjianfeng@chinamobile.com and others, with the subject line "Materials on
13 Google Open Handset OS", dated September 28, 2006, as well as excerpts from the attachment to that
14 e-mail, which appears to be a presentation titled "ANDROID: Open Handset Platform."
15 **[SUBMITTED UNDER SEAL]**

16 6. Attached hereto as Exhibit D is a true and correct copy of an email chain between Steven
17 Holtzman, counsel for Oracle, and Daniel Purcell, counsel for Google, the most recent date being
18 October 31, 2011, which I received.

19
20 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
21 was executed on November 1, 2011 at Oakland, California.

22
23 By: /s/ Fred Norton
Fred Norton

GENERAL ORDER 45 ATTESTATION

I, Steven C. Holtzman, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that Fred Norton has concurred in this filing.

Dated: November 1, 2011

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman
Steven C. Holtzman

Attorneys for Plaintiff
ORACLE AMERICA, INC.

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA